

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-6570

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

REGINA FAYE BROOKS,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Elkins. John S. Kaull, Magistrate Judge. (CR-01-16; CA-03-103)

Submitted: August 31, 2005

Decided: September 27, 2005

Before MICHAEL, KING, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Regina Faye Brooks, Appellant Pro Se. Sherry L. Muncy, OFFICE OF THE UNITED STATES ATTORNEY, Clarksburg, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Regina Faye Brooks seeks to appeal the magistrate judge's report and recommendation advising the district court to deny Brooks' motion for supplemental briefing and to deny relief on Brooks' 28 U.S.C. § 2255 (2000) motion. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2000), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2000); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 546 (1949). The report and recommendation Brooks seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss the appeal for lack of jurisdiction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED